

### **In the Claims**

Please amend claim 18 as follows:

1-17. (cancelled)

18. (currently amended) A device for determining the presence of a nucleic acid in a sample comprising

an instrument for temperature cycling to amplify the nucleic acid,

a fluorimeter for detecting fluorescence during amplification of the nucleic acid, the fluorescence obtained from a fluorescent entity capable of providing a signal related to the quantity of the nucleic acid, and

a processor for performing analysis routines, wherein the processor is programmed to obtain a score from each of a plurality of tests, each of the plurality of tests using fluorescence values measured by the fluorimeter to generate the scores, to process the scores during amplification, and to use the scores to ascertain whether the nucleic acid is present in the sample, ~~wherein the scores are generated during nucleic acid amplification and wherein the scores are used, during nucleic acid amplification, to ascertain whether the nucleic acid is present in the sample.~~

19. (original) The device of claim 18 wherein the plurality of tests comprise a Confidence Interval Test and a Signal-to-Noise Ratio Test.

20. (original) The device of claim 19 wherein the plurality of tests further comprise a Channel Consistency Test and an Efficiency Test.

21. (original) The device of claim 20 wherein the plurality of tests further comprise a Function Ordering Test, a Maximum to Baseline Comparison Test, and a Last Rise Test.

22. (original) The device of claim 18 wherein the instrument is configured for rapid thermal cycling.

23. (original) The device of claim 22 wherein the instrument employs capillary tubes and hot air control.

24. (withdrawn) The device of claim 18 provided in a portable container for field use.